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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------------|
| 10/737,191 | 12/15/2003 | Kimmo Mylly | 915-007.68 | 5502 |
| 4955 7590 07/27/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468 | | | EXAMINER FRANKLIN, RICHARD B | |
| | | | ART UNIT 2181 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,191

Applicant(s)

MYLLY ET AL.

Examiner

Richard Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,13,14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,13,14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 4, 6 – 11, 13 – 14, and 16 – 20 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 4, 6 – 11, 13 – 14, and 16 – 20 have been considered but are moot in view of the new ground(s) of rejection.

However, one of applicant's arguments was not persuasive. Applicant argued that US Patent Application No. 2003/0212857 (hereinafter Pacheco) does not teach ***electrically*** combining information from each of the at least two peripheral devices (See remarks filed 26 April 2007; Pages 8 – 9). However, the Examiner respectfully disagrees. Applicant has not defined the phrase “electrically combining information” in the specification, and therefore, the Examiner has interpreted the limitation in its broadest reasonable sense. Pacheco teaches combining information in a computer system (Pacheco; Paragraph [0047] Lines 4 – 7). Since the combining is done in a computer system, electricity must be involved in some way, as data is represented as electrical voltages in computer systems. Therefore, based on the broadest reasonable interpretation of the term, Pacheco teaches, “electrically combining information” as shown in the previous office action (See Office Action Mailed 25 January 2007; Page 4 Paragraph 1).

Claim Objections

3. Claim 1 is objected to because of the following informalities:
- Claim 1 recites "after completion of an initialization ***of each of for said at least two peripheral devices***" in the last 2 lines of the claim (emphasis added). It appears that the word "for" should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 – 4, 6 – 11, 13 – 14, and 16 – 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant has amended all of the independent claims to include "using the combined information for ***selecting a time of access to at least one of the at least two peripheral devices*** after completion of an initialization of each of said at least two peripheral devices" (emphasis added). This limitation is not supported in the originally filed specification and is therefore new matter. In the originally filed specification, applicant teaches using the combined information to determine a common initialization

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timeout value, but does not teach **selecting a time of access** to at least one of the at least two peripherals after completing initialization. Applicant pointed to page 18 line 9 – page 20 line 5 of the specification for support for the newly added limitation. However, after careful review of that section and the rest of the specification, the Examiner can find no support for the newly added limitation.

Allowable Subject Matter

5. Claims 1 – 4, 6 – 11, 13 – 14, and 16 – 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st Paragraph, set forth in this Office Action.

Claims 1, 11, 13 – 14, 17, and 19 would be allowable is rewritten to amended to overcome the rejection under 35 U.S.C. 112, 1st Paragraph because the prior art of record fails to teach or suggest alone or in combination using combined information indicative of a time required for initialization of a peripheral device **for selecting a time of access to at least one of the at least two peripheral devices** after completion of the initialization of each of the at least two peripheral devices, as required by independent claims 1, 11, 13 – 14, 17, and 19, **in combination with the other recited claim limitations** (emphasis added). Support for this limitation **cannot** be found in the specification as noted above (See rejection under 35 USC 112 1st Paragraph). The prior art of record, US Patent Application Publication No. 2003/0212857 (hereinafter Pacheco), teaches initializing disk drives in sequence based on their spin-up time. However, Pacheco fails to teach selecting a time to access at least one of the at least

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two peripheral devices. Applicants have argued this point on page 9 of the response filed 26 April 2007.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Franklin whose telephone number is (571) 272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Franklin
Patent Examiner
Art Unit 2181



ALFORD KINDRED
PRIMARY EXAMINER